Clauses 2 to 109 and the First Schedule, the Second Schedule, the Third Schedule and the Fourth Schedule were added to the Bill

Clause 1, the Enacting Formula and the Title were added to the Bill

SHRI RAJIV GANDHI: Madam, I beg to move:

"That the Bill be returned."

The question was put and the motion was adopted

THE DEPUTY CHAIRMAN: Now, there is a paper to be laid on the Table.

PAPER LAID ON THE TABLE—Contd.

Notification of the Ministry of Finance (Department of Revenue)

THE MINISTER OF STATE IN THE DEPARTMENT OF EXPENDITURE IN THE MINISTRY OF FINANCE (SHRI B. K. GADHVI): Madam, I beg to lay on the Table, under section 159 of the Customs Act, 1962, a copy (in English and Hindi) of the Ministry of Finance (Department of Revenue) Notification No. 198/87-Customs, dated the 7th May, 1987, amending Notifications Nos. 130/86-Customs and 136/86-Customs, dated the 17th February, 1986, so as to remove the specific levy of Rs. 3/- per kg. in respect of both Dimethyl Terephthalate and Terephthalic Acid and fix the total rate of import duty on Terephthalic Acid as 190 per cent *ad-valorem* and on Dimethyl Terephthalate as 190 per per cent/180 per cent *ad-valorem* (Preferential), together with an Explanatory Memorandum thereon. [Placed in Library. *See* No. LT-4395A/87).

THE FACTORIES (AMENDMENT) BILL, 1987—Contd.

THE DEPUTY CHAIRMAN: We now take up the further consideration of the Factories (Amendment) Bill, 1987. Shri Chimanbhai Mehta to continue his speech.

SHRI CHIMANBHAI MEHTA (Gujarat): Madam Deputy Chairman, the other day I was referring to the question of labour participation which is provided for in the Factories (Amendment) Bill. I consider this to be the main thrust of the Bill and a very positive aspect of the Bill. Questions are being raised as to how the principle of labour participation is going to be implemented. In the amending Bill itself, it is mentioned that there would be equal number of workers and management representatives who will constitute the Safety Committee and they will take into account the question of safety and other related issues. Now, other issues are being raised in connection with this as to how the labour representatives are going to be chosen; whether they are going to be nominated or elected; if they are going to be elected, whether it will be by secret ballot or in some other manner. This is a very pertinent question. So far, we have neglected this question and because of that, the labour movement has suffered all along, all these years.

Even in the case of recognition of trade unions, this question is raised whether it should be by secret ballot or on the basis of verified membership. All these issues have adversely affected the labour movement. Therefore, I would request the hon. Labour Minister to come out with concrete proposals acceptable to the entire labour movement. I think, the Industrial Relations Bill is on the anvil. He has promised. For the verification of membership, a check-off system is going to be introduced. That means, a worker can opt out for any union he likes and request the management to pay the subscription to that union from his salary. That should make it clear as to which union the worker belongs and on that basis, on the pro *rata* basis, or on the basis of the majority either the union nominates the worker's representative or some other method is to be worked out. I think that should satisfy our entire labour movement.

[The Vce-Chairman (Dr. Babu Kaldate) in the Chair]

The only point is, how you are going to nominate labour representative and there sometime the very purpose of the progressive Act is defeated. I would, therefore, like to make one request to the labour leaders from all the sides becaus our labour movement is fragmented on political lines, unnecessarily. On account of this history of the Indian labour movement also has suffered. Initially there was one all-India Trade Union Congress. During freedom movement, the Congress leaders like Motilal Nehru, Mohd. Jinnah, Jawaharlal Nehru, C. R. Das, all of them were working for that one united association. Subsequently, during the Second World War the leadership of AITUC went against the freedom movement. Then there were splits. Further splits were seen in the form of HMS, INTUC and all that. The fact is, every political party wants to sponsor his own labour wing. This is not correct. Labour has a common interest and at least on common issues issues they should try to work out some solution and not leave everything to be done by the Government. Government would not be able to sort out all the issues. Everything is not going to be enacted. The Factories Amendment Bill takes care of safety measures, accidents, but there are other areas which have to be looked into by the Lobour Ministry. Pollution of water is taking place. Accidents are taking place in and outside factories. That also relates to the workers' life. Somethhing has to be done. When the Labour Minister has come with a very positive idea of labour participation, here I would request him to go a step further. A coprehensive legislation with regard to labour participation, not only for safety but for other things also, should be worked out. Industrial sickness is taking place. Long-terms measures are required for this. You cannot prevent industrial sickness only by putting some experts or by putting some more money or by trying to modernise it this way or that way. All these things are required, but labour participation is very much required. The reason is, in India this bureaucratically managed public sector or private industrialists care little for the industrial development as much as labour would like to take care of the industrial development because his own bread, his own hunger, his life and his everything is involved in this. Therefore, I would request the hon. Labour Minister to proceed further and enact during this year labour participation and management legislations. Just these safety measures as are proposed in this Factories Amendment Bill are not enough. I would like to inofrm the hon. Minister that in Gujarat, for the last 15 years, we have a joint management council in certain industries where more than 500 workers are working. That has to be done on the basis of the secet ballot. The results are good to some extent but not so good because the powers with them are limited. I would request you to kindly go a step further because it is enshrined in the Constitution itself. About 11 or 12 years ago a view was taken that labour participation must be there because socialism was also introduced during emergency in the Constitution. As a corollary to that labour participation must be worked out. Otherwise the dream of ideal socialism will never come true. Sir, about courts also I may tell one or two points because when the employers violate the safety measures, the courts give some sort of punishment. Generally, it is a monetary fine. Then they go to the High Court then to the Supreme Court and the litigation on such a matter also runs for a year and the very purpose of this safety measure which is a deterrent thing—some punishment has been inserted in this Act also and it is enhanced also—gets defeated. Therefore something has to be worked out. There should be stringent punishment to those who are violating the laws. I do not know how to work because every tax-evader goes to the court every criminal goes to the court; every smuggler goes to the court. Whoever is

[Shri Chimanbhai Mehta]

a rich person goes to the court tand defeats the very purpose of social legislation. Therefore some device has to be worked out so that they cannot defeat this particular aspect. Therefore kindly take that particular factor into consideration.

About enquiries also there is a provision in the Factories (Amendment) Bill. But the enquiry committees when they enquire into the safety conditions of the factories or industrial undertakings can only recommend They have not been given madatory powers. Their recommendations have to be implemented. I know the recommendations are there. Many committees are making recommendations but the lie the Government files in the Secretariat. When you are appointing an enquiry committee of your own choice; why don't you think of putting into practice the recommendations of the enquiry committtees? You select your own personnel. Otherwise their recommendations will not acquire the real force. The recommendations can be diluted at the State level at the Secretariat level, delay can occur and the sense of urgency would be lost.

I have made some suggestions. On the whole, I think, I thing, the Factories (Amendment) Bill is a very positive measure, it is a very important measure and it is really a very vital measure because participation has been effected by giving representation equally to the workers in safety management in the Safety Committee.

Thank you.

SHRI PUTTAPAGA RADHAKRISHNA (Andhra Pradesh): A point of order. The Minister piloting the Bill is not available.

THE VICE-CHAIRMAN (DR. BAPU KALDATE): He is there.

SHRI PUTTAPAGA RADHAKRISHNA: He is there. Thank you.

THE VICE-CHAIRMAN (DR. BAPU KALDATE): Mr. Puttapaga Radhakrishma.

SHRI PUTTAPAGA RADHAKRISHNA: Sir, I rise to support the Bill with the amendment moved by the CPM Members. Sir, the amendment seeks to provide that the Members of the Safety Council, representing the workers should be elected by the real workers in the factory. A provision has been made fo the representatives to be nominated by the management. It is very ridiculous, Sir. The persons nominated by the management will be only the representattives of the management, and they will safeguard the interest of the management only. They are not expected to safeguard, and they can never safeguard, the interests of the workers, and they cannot be deemed to be the representaives of the workers at all. That is why I support the Bill.

....

In true spirit, this Bill is good. But it seems that the Government is not sincere to the cause of the labour, that is, the working class. Had the Government been very much interested in the real welfare of the workers, they should have brought a comprehensive law, comprehensive legislation before this House. It is only a simple Amendment to include the hazardous conitions and dangers and also a provision relating to pollution.

Sir, the orginal Act was passed in 1948. The basic puupose of this Act was to achieve and maintain the safety, health and welfare of the workers. The provisions made in the original Act were based on the condition prevailing in those days and based on the requirements and the availability of the technology of those days. Now-a-days very much modernisation has taken place. Teconology has developed and the contemporary circustances are quite advanced compared to what existed in 1948. The enactments also should be of that standard. But it seems only simple amendments are being made. Even the worker has not been comprehensively defined. Of course, it is a very good piece of legislation and is meant for the we fare of the workers, but at the same time the Government has to think of the unorganised labour in the rural and agriculture sector. Not only are they unorganised, but they also do not have health and safety safeguard. That is why on this occasion I request the

Government, particularly the Minister who is piloting this Bill, to think of them and bring in a compresentive law to cover them also.

Coming to the very important aspect of this debate, I would like to point out that here are two parts of any legislation. One part is that of enactment of the legislation and the other is the implementaion part. The first part, of course, is good, but what about the second part? If the second part is not proper and effective, the purpose of the legislation is not served at all. In this particular Act the Central Government is not the executor. The State Governments are the implementing agencies. They have to frame rules under this Act in order to enforce it with their own machinery In some cases like the implementation of the Minimum Wages Act and some other labour Acts, the Government of India is giving some additional staff to the State Government for effective enforcement. Here also I would request the Government, particularly the Minister concerned, to think of providing additional staff to the State Governments to enforce this law very effectively. I wold like to point out the actual state of affairs. There are factory Inspectors. They are not at all sincere in their job. They collude with the management and factory owners. Wherever there is a danger to the safety and health of the workers, they do not point it out. They do not even punish the responsible persons. That is why an effective enforcement of the Act is required. For that the State Governments should be provided with additional machinery and additional funds. I request the hon. Minister to provide for it.

One more thing I would like to bring to the notice of the august House. Now-a-days there are a are a number of sophisticated machineries in the market, but the management of the factories do not employ them because they cost more. They do not incur any additional expenditure even if it is more safe to the worker. If such machineries are available in the market, the factory owners should have them in the interest of the safety of the workers.

In this amendment, coal industry has not been covered. Coal industry is having more hazardous conditions. Whenever there is any accident in such factories, the Inspectors do not take any pain to find out the persons responsible. That is why the persons responsible for such accidents are not properly punished. That is why hazardous conditions in the coal industry are continuing to exist. I would request the hon. Minister to think of covering the coal industry under the present amendment.

Another major lacuna in this is that the pollution of the rivers is not covered here. Whenever there is an industry of factory, its effluents are spoiling the nearby rivers. It is flowing into the rivers. The result is that the water in these rivers become unfit for driking purposes. Apart from that the creatures living in these rivers like the fishes die due to the poison created by the effluents of the industries. Therefore, I emphasise that there should be a provision against this also in the amendment.

The most important thing is the occupational disease. The Government has not thought over this problem. This disease is having a very damaging effect on the health of the workers employed in the industries. You know, Sir, some workers are working in the tobacco industry. They are the first victims of the chest diseases. Similarly those who are working in the chemical industrial are the first victims of cancer type diseases. That is why these occupational diseases should also be covered through this amendment.

Another thing is damage to greenery. Wherever industries are located there is damage to greenery. It leads to air pollution also. Therefore, a provision should be made in the Bill that afforestation should be taken up by all the Industries. It should be made legally binding on all the industries

On the whole, Sir, the Bill is a welcome measure. I support it but with the reservations which I have enumerated. I request the Minister to consider all these things before he gets this Bill passed in this House. Thank you.

SHRI GURUDAS DAS GUPTA (West Bengal): Mr. Vice-Chairman, Sir, as I said on the earlier occasion when the Minister had moved a Bill concerning the gratuity, in this Bill also I can only lend my limited support. The Minister has been

[Shri Puttapaga Radhakrishn]

trying hard to improve the working conditions of the working people of our country But the provisions that are sought to be framed fall too short of the requirements. Therefore, this Bill is, of course, an improvement. But it is half-hearted, partial and is not going to meet the requirement of the situation. I say this because in a society where profit motive is the prime factor, the security and working condition of the working people is bound to suffer and get neglected. Therefore, in a society of capitalistic structure the owners of the factories only mind for profit and while running for profit they neglect and neglect tremendously the security and safety measures. Therefore, it is natural that accidents are rising tremedously in our country. As it was told on the last occasion every year about 3,50,000 workers are involved in accidents. In my opinion, it is an understatement. Every year about 1,000 men and women lose their lives because of accidents. Again I say it is understatement because the employers will conceal accidental deaths because they would not like to pay compensation to the people who have fallen victim to their own negleted of safety ystem.

Sir, if we go to coal much has been left out of the orbit of the Bill. The situation is alarming. More than 7 lakh workers work underground for the society and the country. Year before last 192 people lost their lives below the ground. In 1986, 193. the same number of people lost their lives. Over and above, the number of accidents in 1985 were 1041. The number of serious accidents, that is, in the current year is 1184. This is the range and dimension or the nature of accidents taking place in the country.

Sir, last year when the safety measures conference took place there was a conscious agreement among all those who attended the conference that the decision of the previous conferences regarding enforcement of minimum safety measures have not been implemented. Therefore, the main point why accidents take place is that there is a neglect, a total neglect to enforce minimum saftey measures and requirements and the machinery the Government has developed to enforce safety measures can be bribed to silence. Therefore, people can bribe the machinery in order to ensure that they can produce in whatever way they like and the victims are the poor workers. Therefore, the enforcement machinery is weak and corrupt and the enforcement machinery is too much inadequate to meet the requirements of the situation. Sir, may I draw your attention that the I.L.O had published a report about the safety condition of our country. That report has not been published here. It only gives rise to suspicion that Government does want to conceal the truth about the pitiable condition of industrial safety. I want the Minister to take note of it and tell us whether he is going to publish that report at all.

Sir, coming to other points. I only submit that coal should be included in this Bill that is sought to be introduced. Secondly, I feel workers should not be selected by the management to be a part and parcel of the safety enforcement machinery because the master of industry will purchase the workers, will bribe them and by bribing them, they will get the certificate from the machinery that is sought to be set up to say that everything has been done. Therefore, by allowing the employers to select the representatives to the Safety Committee, he only gives them the chance to have a man of their own choice who will sign with closed eyes whatever documents the management shall place before him. Therefore. the name of having workers" representatives, it only gives the management an alibi to say that yes, the workers were present and I did all that was possible but the accident could not have been averted. In my opinion, it is an eyewash and it is the greatst lacuna. Therefore, no selection of workers' candidates should be there. The workers must be elected. I was listening to the speech of my friend from the other Party. I suppose, he was making the same demand. Therefore, it is the demand across party affiliations. It is the demand across trade union affiliation and I do not know what is the reason that prevents the Minister from amending the Bill. If he does not amend the Bill it means he is giving concessions to the industrialists he is giving concessions. to the factory owners to ensure that there remain a lacuna in the enforcement system. Sir, with this, I

conclude that the Factory Act which is sought to be amended is of course an improvement but this is too short of the reqquirement because we remember Bohpal tragedy, we remember gas leakage in amulti-national company factory in Calcutta, we remember the utter negligence of the factory owners, we remember that the factory inspectors going to a building and certifying that it is alright and within 24 hours the building broke down. Therefore, Sir I only request the Government in general and the Minister in particular to see that this lacuna is plugged and the Bill is extended to coal and elected representatives of the workers are included in the safety machinery. Thank you.

SHRI V. NARAYANASAMY (Pondicherry): Mr. Vice-Chairman, Sir, thank you very much for having given me this opportunity to speak on this Factories Amendment Bill 1986. The purpose of bringing this amendment, a major amendment by the hon. Minister is to give protection to the lives and security of the workers who are working in the factories. Sir, I would like to say that these amendments are long pending. In fact, when we compare India with other advanced countries, the rate of industrial mishaps and accidents which takes place in Western countries is not even 2 per cent whereas in our country it is more than than 9 per cent. The reason for that is the safety measures provided for workers in our factories are not adequate to protect the life of the worker. Secondly, the authorities which have been given the responsibility of protecting the life of the worker while the worker is performing his duties, have been reluctant to enforce the provisions of the Act. In fact, the factories situate in rural areas have long neglected the norms provided under the Act. The Factory Inspectors go only to urban areas and check up factories located there. Nowadays we say that more and more factories should be located in rural areas. More and more thrust is laid on setting up factories in rural areas. More benefits are given to industries set up in rural areas. Factory Inspectors have have been vested with the powers to inspect whether the safety measures provided in a factory are enough, whether the factory is in a hazardous position, whether any chemical is being used, etc. When we demand that factories should be increasingly located in rural areas, then we must also ensure enforcement of the Factories Act in those areas. I would like to draw the attention of the honourable Minister to three or four amendments sought to be made under this Bill.

I am referring to the Site Appraisal Committee which is to be appointed under this amendment. The Bill refers to the Chairman and representatives of the Central Board and the State Board. On the State Board it is provided that not more than five other members may be coopted by the State Government who shall be scientists having special knowledge of the hazardous process which will be involved in the factory; secondly, representatives of the local authority within whose jurisdiction the factory is to be established; thirdly, not more than three other persons as deemed fit by the State Government. I draw attention to this particular provision—"three other persons as deemed fit by the State Government". Here when they define the persons who are to be appointed, they specify scientists and representatives of the local authority but in regard to the "other representatives", they are from the Factories Inspector, the Central Board for Prevention and Control of Water Pollution and Air Pollution, and then it says, "three other persons whom the State Government deem fit to be appointed". Here I would draw the attention of the honourable Minister that representatives of the workers, viz. major trade unionists, who are interested in the welfare of the workers, should also be given preference. I would like to submit that it should contain a clause that two representatives from out of the three whom the State Government is to appoint should be trade union leaders who are interested in the welfare of the workers; otherwise, if the State Government is left with the option, they will not look for workers' representatives and they will appoint anybody of their own choice. Therefore, this particular provision should be amended by the honourable Minister for the purpose of giving protection to the working class at the initial stage itself when the site is selected. The idea behind referring the matter whether an industry is to be set up

5 P.M.

[Shri V. Narayanasamy]

in a particular locality to the Site Appraisal Committee is that it can serve two purposes. We find that most of the industries are situated only in the urban areas. Now we see that the problems of water pollution, air pollution, dumping of hazardous materials, etc. are there and, therefore, the purpose of bringing forward this particular amendment is very clear. But I think that the Site Appraisal Committee which approves of the sites should also be given adequate protection under the Act. I say this because in one way this Committee will pave the way for decentralisation of industries. Therefore, I welcome this amendmet and I congratulate the Minister for this specific amendment.

Now I would like to come to certain other important aspects which have been mentioned here. I am referring to clause 26 which replaces the earlier provision. When we go to the glass factories or the match factories—the honourable Minister visited them several times and he has also brought forward a legislation to protect the interests of the children—we find that none of the provisions of the factories Act is followed. The workers including small children in the glass factories are working in temperatures going up to 115. In several places in U.P. and in other areas also also, when the Factory Inspector goes to the factories, they are told that these people are not the employees of the factory. But the Minister says in this provision that safety measures have to be provided. The workers who are working in the glass factories, I think, are actually dying a slow death. Whatever provisions have been made by the Government are not being implemented properly. I would like to mention another example. In the factories we have the fire-fighting machines which are installed. The Factory Inspector also goes there .The expiry period of these fire-fighting machines is over and yet they are lying there. But it is enjoined upon the Factory Inspector that they should safeguard the life of the worker. But they are not doing their duty properly. I brought this to the notice of the honourable Minister on an earlier occasion also. They have to see actually how the workers who are employed in the factories are to be protected. Most of the provisions of the Factories Act are not complied with. But as the honourable Member, Mr. Gurudas Das Gupta, has said, these Factory Inspectors only act as the representatives of the management and they have been helping the management in flouting the provisions of the Act. If the honourable Minister agrees, I would like to suggest that we should all go to a factory one day and see where the escape route for the workers is there if there is a fire in the factory. None of the workers knows it. The management has not taken pains to show to the workers who are employed there that there is any exit in case of any accident or fire. And this amendment is material, and it is very relevant.

In sub-section (2) of section 38 it is mentioned: Effective measures shall be taken to ensure that in every factory all the workers are familiar with the means of escape in case of fire and have been adequately trained in the routine to be followed in such cases. Sir, it is to see whether the workers have been trained or not. The Labour Department has to educate them with the help of the management. They should coordinate with the management and then educate the working class so that the Labour Department will definitely see that the workers are given full education about the safety measures in the factory.

Sir, Mr. Radhakrishnan said about the equal number of workers and equal number of management officials. Sir, I find that this will be governed by rules Therefore, at the time of framing the Rules it should be seen that the workers' representatives who are nominated there should not be influenced by the management and they should be from the trade union circle so that the workers will be able to see that the safety committee performs its functions well.

Sir, the penalty provision has also been made stringent Under section 41B the inquiry committee is to be set up by the Central Government. Sir, I would like to say that the committee which has to be set up and which has to give its finding should not be advisory in nature; it should be mandatory in nature.

Then, Sir, I would like finally to submit that the hon. Minister should see that the

definition of 'factory' is amended because nowadays we find that a lot of industries are coming up and the persons who are employing the workers do it in such a way as to circumvent the Act. They are trying to keep the workers at the minimum level and thereby they are avoiding the implementation which has been given in the Act. The hon. Minister is a link between the workers and the management. He should look into it. This is a very welcome measure. This Bill has brought major changes in the Fatcories Act. And I hope the hon. Minister will come soon with a comprehensive Act on these lines.

Thank you, Sir.

श्री कैलाश पति मिश्र (बिहार) : उपसभाध्यक्ष महोदय मुझे ऐसा लगता है कि सरकार और कारखाने के मालिकों के बीच में कम्पीटीशन चल रहा है। कौन उस कम्पीटीशन में आगे निकल रहा है।

सब से पहले तो यह विचार करना चाहिए था कि कारखानों में काम करने वाले कर्मचारी, मजदूर कहां से आते हैं, उसकी हालत कैसी है। उसके सामने एक ही उद्देश्य रहता है कि उसे कहीं काम मिल जाए, रोजी मिलने लगी, पेट भरना शुरू हो तो इस रोजी में से किसी भी कीमत पर उसे छुटकारा नहीं मिले। उसकी दयनीयता ध्यान में रख कर अगर विधेयक लाने का प्रयत्न करते, तो कुछ और बातें के ऊपर विचार करना पड़ता, आपका मस्तिष्क उधर जाता, शायद और अच्छा विधेयक बन कर आता।

मुझे घटना याद है, बिहार के अंदर गिरीडीह के बगल में कोयले का बड़ा क्षेत्र है, कोयले के भंडार में इल्लीगल माईनिंग चल रही थी, अंदर से कोयला निकाला जाता था, ऊपर से जमीन बराबर दिखाई दे रही है। जहां-तहां से भीतर से गड्ढे फोड़ करके नीचे जाना और अंदर-अंदर कोयला निकालते रहना और फिर जो कोयला निकालने के लिए जाते हैं उनको पता नहीं है कि भीतर कितना खाली हो गया है। उस कोलियरी का नाम शायद बधुआ कोलियरी है। यह घटना लगभग पांच साल की है। लगभग 60 गज लम्बा और 50-55 गज चौड़ा अंदर का कोयला खाली हो गया, ऊपर की जमीन खाली थी। पूरी की पूरी जमीन बैठ गई और उसमें छानबीन करने पर पता लगा कि उसमें 350 के लगभग मजदूर काम कर रहे थे। वह उस मिट्टी में ही दब कर वहीं पर मर गये। आश्चर्य लगा, झोपड़ी-झोपड़ी में जाकर जब हम लोगों ने पूछना शुरू किया, तो जिस परिवार के मजदूर मर गये हैं, एक भी घर वाला चाहे पुरुष हो या महिला, यह कहने का साहस ही नहीं कर रहे हैं कि हमारे घर से एक मर गया या हमारे घर से दो मर गये, जमीन के अंदर पड़ा हुआ है।

जहां यह स्थिति हो, वहां आज क्या है ? बेकार बने हुए मजदूर जिसे कहीं काम मिल जाता है, वह अपने जीवन के बारे में विचार नहीं कर सकता है। सरकार को सोचना चाहिए था कि इस समय कौनसी नीति लेकर हम चलें। अगर कुछ सिद्धांत के रूप में आपको रखना हो, तो मैं कहूंगा कि सरकार को एक मोटो अपने ध्यान में रखना चाहिए था और मोटो का उल्लेख करना है तो मैं कहना चाहूंगा—

Labourise the industry; industrialise the nation, and nationalise the labour.

गति आज उलटी चल रही है। एक बार हम इस दर्शन पर विचार कर लेते, तो मैं समझता हूं कि न देश संकट में फंसता, न हमारी आर्थिक स्थिति बिगड़ती, न रोज-रोज कारखाने बंद दिखाई देते और न ही कर्मचारी, मजदूर के अंदर किसी प्रकार का असंतोष दिखाई देता। अवस्था क्या हो रही है ?

आप विधेयक लाये हैं। विधेयक के स्वरूप को पढ़ने के बाद बार-बार के अंदर दिखाई दे रहा है कि पुरानी पद्धति, तरीके तकनीक चलती रही और उसमें आज कुछ वृद्धि हो गई है। हजारडस शब्द का प्रयोग किया गया है, टाक्सिक डेवलेपमेंट शब्द का प्रयोग किया गया है और मुझे लगता है कि हमारे नौजवान लेबर मिनिस्टर शायद यूनियन कार्बाईड भोपाल की जो दुर्घटना हुई, है, उसके बाद मन में यह विचार उठने लगा कि कोई और विधेयक लाना चाहिए। प्राइवेट सेक्टर की फैक्टरी हो या पब्लिक सेक्टर की फैक्टरी हो, हर फैक्टरी के लिए आपने वहां

[श्री कैलाश पति मिश्र]

सरकारी इंसपेक्टर प्रदान कर दिया है। लेबर डिपार्टमेंट के इंसपेक्टर हैं।

सब से पहला प्रश्न यह है कि यदि केवल कानून से आप नियंत्रण करना चाहते हैं, तो आपको विचार करना पड़ेगा। आज के राष्ट्रीय चरित्र में नेशनल करेक्टर में कौन आपका ऐसा इंसपेक्टर है जो एक लाख रुपये में खरीदा नहीं जाये, कौन बड़े से बड़ा नियन्त्रण करने वाला सरकारी अधिकारी है जो दो लाख तीन लाख चार लाख, पांच लाख रुपये में खरीदा नहीं जायेगा? लेकिन जो काम करने वाला गरीब मजदूर है उसमें ऐसा कौन है अगर एक-दो को उसमें से चुनना पड़े तो वह ब्राइब का शिकार नहीं बन सकता। यह एक ऐसा क्रम है कि यहां आप एक संशोधित विधेयक लाकर पास कर लीजिये वह सरकारी फाइलों के अन्दर पड़ा रह जायेगा। व्यवहार में जाने के बाद दिखाई पड़ेगा कि जो वर्तमान स्थिति है उसमें कोई अन्तर नहीं आया है मैं आपसे आग्रह करना चाहता हूं कि आप इसका क्यों नहीं विचार करते? चाहे सरकारी क्षेत्र का उद्योग हो चाहे निजी क्षेत्र का उद्योग हो जो उसमें काम करने के लिये जाये उसको आप शेयरर क्यों नहीं बनाते? सहभोगी बना सकते हैं इससे हरेक को यह बोध होने लगेगा कि कारखाने के उत्थान में हमारा उत्थान है और इस कारखाने के पतन में हमारा पतन है। अगर यह भाव एक बार जग जाता और वास्तव में आपने अगर यह स्थिति खड़ी कर दी होती तो मैं समझता हूं कि जो देश को दुर्दशा की स्थिति उठनी पड़ती है इसकी कोई आवयकता ही नहीं पड़ती जरा हिसाब तो लगाइये ज्यादा नहीं तो दस वर्ष का हिसाब लगाइये, देश के अन्दर कितने कारखाने बंद हो गए ? क्यों हो गए ? कारखाना खुलता है पूंजी लगती है, कच्चा माल लगता है, श्रम लगता है और जो कुछ उसके अन्दर उत्पादन होता है उस उत्पादन के लिए बाजार लगता है। दस साल तक कारखाना मुनाफा देता रहा। ...(व्यवधान) मैं निवेदन करूंगा कि थोड़ा सा बोलने दीजिए ? बड़ा महत्वपूर्ण विधेयक है

उप-सभाध्यक्ष (डा० बापू कालदाते) : जो हम लोगों ने समय तय किया है उसके मुताबिक मैं आपसे कह रहा हूं। आप बोलिए।

श्री कैलाश पति मिश्र : अचानक बंद होने की स्थिति आकर खड़ी हो जाती है। क्यों ? जब कारखाने के यंत्र, संयंत्र प्लांट की मशीनरी जब पुरानी होने लगती है, वह ठीक ढंग से काम नहीं करता है और दस साल से लगातार आप कारखाने से नफा कमाते रहे तो उसकी अच्छी तरह से रिपेयरिंग क्यों नहीं होती, मेंटीनेंस क्यों नहीं होती और आवश्यकता पड़े तो जब पुराना प्लांट काम नहीं कर रहा है तो नया प्लांट लगाने की आप व्यवस्था क्यों नहीं कर रहे हैं ? उप-सभाध्यक्ष महोदय, अपने राज्य के अन्दर देख रहा हूं कि बीमों शूगर फैक्ट्रियां बंद हो गई। एक फैक्ट्री का नाम लेकर तो तुरन्त मंत्री महोदय खड़े हो जायेंगे कहेंगे कि अच्छी तरह से मुझे पता है। डालमिया नगर फैक्टरी खड़ी हो गई और मैं कहना चाहता हूं कि बरौनी फर्टिलाइजर कुछेक वर्षों के अन्दर समाप्त होने जा रही है, बंद होने जा रही है। मैं पूछना चाहता हूं कि क्यों कारखाने बंद हो रहे हैं ? उसके अन्दर नई मशीनें क्यों नहीं लगाई जाती ? मुनाफे की जो राजनीति है उस प्लांट के अन्दर और उस कारखाने में जो पूंजी लगनी चाहिए वह क्यों नहीं लग रही है ? वह इसलिए नहीं लग रही है कि जो दृष्टिकोण चाहिए वह है नहीं। जब मैंने पहले कहा कि लेबराइज द इंडस्ट्री, उद्योग का श्रमिकीकरण करिए राष्ट्र का अर्थ गिकीकरण करिए और राष्ट्रीयकरण अगर करना है तो श्रमिक

का करिए, श्रम का करिए इसको करने में आपको क्या आपत्ति है ? कारखानों में यूनियनज़ चल रही है मैनेज़मेंट की पाकेट की यूनियन तो रिकोग्नाइज़ हो जाती है चाहे 10 परसेंट या 5 परसेंट भी लेबर साथ नहीं है। वह मान्यता प्राप्त यूनियन बनी हुई है। यह कैसी व्यवस्था है ? लगातार इतने वर्षों से इधर से और उधर से मांग होती रही है कि किसी भी कारखाने के अन्दर वास्तविक रुप से वहां के कर्मचारियों का प्रतिनिधित्व करने वाली यूनियन बननी चाहिए। आप यूनियन के लिए गुप्त मतदान क्यों नहीं करवा रहे हैं ? एक समय क्यों नहीं तय करते हैं और जब और जगह चुनाव होते हैं तो वहां पर भी चुनाव हो सकते हैं ? जहां कहीं मजदूरों ने, कर्मचारियों ने यह मांग कर दी या मान्यता प्राप्त यूनियन में सचमुच में अगर मजदूरों का प्रतिनिधित्व नहीं रहा तो आप वहां चुनाव क्यों नहीं कराते ? एक नहीं दर्जनों कारखानों का उदाहरण मैं देने के लिए तैयार हूं। मजदूर दूसरे के साथ, मान्यता प्राप्त यूनियन दूसरे के साथ, यह स्थिति अब क्यों बनाए हुए हैं। इसलिए मेरा आग्रह होगा कि पहला कदम तो आप उठाइए कि हर कारखाने में काम करने वाला मजदूर हर स्तर के ऊपर उसे शेयरर बनाइए, किसी भी स्तर पर किसी प्रकार की जहां इकाई गठित होती है, चाहे वह शॉप कौन्सिल हो, हमारे मित्र गुरदास जी ने बताया सेफ्टी की कमेटी हो, वहां आप ऊपर से लादिए मत ऊपर से थोपिए मत, मजदूरों को उत्साहित करिए कि वहां पर वह अपने प्रतिनिधि निर्वाचित करके उसके अन्दर भेजें और कोई ऐसी इकाई या कोई ऐसा स्तर नहीं होना चाहिए जहां पर मजदूरों का प्रतिनिधित्व न दिखाई दे। मैं तो यह कहना चाहूंगा कि जिस वक्त विधेयक आप लाए, विधेयक लाने से पूर्व आप लेबर-लीडरों को बुलाते, उनकी राय लेते, उनके सुझाव लेते आज की परिस्थिति में संशोधन विधेयक संसद में, सदन में लाते तो अच्छी तरह से यह विधेयक बनता। लेबर कई प्रकार के हैं। कुछ परमानेंट लेबर हैं, कुछ केजुअल लेबर हैं, कुछ कांट्रेक्ट लेबर है, ऐसी मजदूरों की जिंदगी फंसी हुई है, उलझी हुई हैं। नियम अनेक बनाते हैं और नियमों में से कारखाने के मालिक, उसमें से कुछ निकलने के लिए रास्ते निकाल लेते हैं। ऐसी स्थिति कारखानों में दिखाई दे रही हैं, मजदूर वहां पर बीस वर्षों से काम कर रहा है, एक नहीं सैकड़ों कारखाने हैं, हर दो महीने के बाद मजदूर की छट्टी हो गयी, फिर उसके बाद रजिस्टर पर चढ़ा, फिर एक महीने के बाद छुट्टी हो गयी, काम कर रहा है बीसियों वर्षों से, लेकिन स्थाई नहीं बनता है।

इन सब बातों को समेट करके एक कांप्रेहेंसिव बिल लाना चाहिए था पूरा। आप पास करें, मैं इसका विरोध नहीं कर रहा हूं, लेकिन कहना चाहता हूं कि बिल अधूरा है, चार दिन के बाद फिर आपको लगेगा कि संशोधन विधेयक मजदूरों के हित के लिए ईमानदारी से प्रयत्न करके लाए तो, लेकिन जिस उद्देश्य के लिए लाए, वह उद्देश्य पूरा नहीं हो रहा है, वैसे का वैसा दिखाई दे रहा है।

इसलिए समाप्त करते हुए कहूंगा कि पहले दृष्टिकोण साफ करिए, सिद्धांत तय करिए और उसके बाद फिर यह संकट बहुत कम हो जायगा।
धन्यवाद।

श्री कल्पनाथ राय (उत्तर प्रदेश) : आदरणीय उपसभाध्यक्ष महोदय, जो मंत्री महोदय ने कारखाना संशोधन विधेयक, 1987 लाया है, मैं इसका समर्थन करता हूं, हमारे मित्र संगमा साहब ने श्रम मंत्री बनने के बाद मजदूरों की हालत में सुधार लाने के लिए बहुत कदम उठाए हैं, इसके लिए मैं देश के सर्वहारा वर्ग और मजदूरों की तरफ से उनको धन्यवाद देना चाहता हूं। यह भी ध्यान रखने की बात है कि हमारे मित्र गुप्ता जी ने जो बातें कहीं हैं, मैं उसका भी समर्थन करता हूं। हमने अपने संविधान के माध्यम से समाजवाद की स्थापना का संकल्प लिया है। वर्किंग क्लास, मजदूर वर्ग, जितना मेहनत करने वाला है, उनके लिए जितनी सुविधाएं मिलेंगी, जितनी

(श्री कल्पनाथ राय)

उनकी सेफ्टी की व्यवस्था होगी, उनके स्वास्थ्य की रक्षा होगी, उतना ही उत्पादन भी बढ़ेगा।

आदरणीय उपसभाध्यक्ष महोदय, एक संशोधन सन् 1948 में कारखाना विधेयक लाया गया, उसके अन्दर सन् 1954 में संशोधन हुआ, फिर 1976 में हुआ और अब यह संशोधन माननीय श्रम मंत्री जी हमारे सामने लाए हैं। मैं मानता हूं, मैंने गन्ना मिलों के कारखानों के मजदूरों की हालत को देखा है यहां यह गन्ना मिलें हैं, जिनमें मजदूर काम करते हैं, वहां यह गंदा पानी निकलता है और उसके कारण आधे से ऊपर मजदूर बीमार पड़ जाते हैं। मैं सरकार से निवेदन करूंगा कि आज के युग में जब हमने पर्यावरण इकोलोजी एनवायरनमेंट विभाग कायम किया हुआ है तो इन कारखानों में एफीलिएंट ट्रीटमेंट प्लांट लगने चाहिएं, जिसके कारण जो वेस्ट वाटर से गंदगी फैलती है या जो मजदूर बीमार पड़ जाते हैं, उनको बीमारी न हो और वे मुल्क के उत्पादन को बढ़ाने के लिये काम करेंगे।

आदरणीय उप-सभाध्यक्ष महोदय, हमारे मित्र श्री गुप्ता ने कोयला खानों के मजदूरों की बात की। कोयला हमारा वाइटल सैक्टर है जिस पर हमारा सभी प्रकार का प्रोडक्शन निर्भर है। लेकिन कोयला खानों के मजदूरों की तो दुर्गति है वह किसी फैक्टरी में नहीं है। मैं सरकार से निवेदन करूंगा कि वह इसके लिए एक कांप्रिहेंसिव बिल लाए। इसमें काम करने वाले मजदूरों की सेफ्टी, उनकी क्लोदिंग, उनके मीनिमम वेज, ग्रेच्यूइटी आदि जितनी भी सुविधाएं उनको मिलनी चाहिए वे उनको मिलें। हमने हिन्दुस्तान के संविधान में समाजवादी समाज की स्थापना की है हमने समाजवादी गणराज्य की स्थापना की है, तो हमारे जो उत्पादन के साधान हैं उनमें हमको सर्वहारा वर्ग के हितों का प्राथमिकता देनी होगी।

महोदय, मैं आदरणीय मंगमा जी को धन्यवाद देता हूं कि जब से आप श्रम मंत्री बने हैं तब से श्रमिकों के लिए बहुत अच्छा कर रहे हैं। बहुत से ट्रेड यूनियन में काम करने वाले नेताओं ने देश के विभिन्न भागों से आए लोगों ने आपकी बड़ी प्रशंसा की है, आपने मजदूरों के हितों को प्राथमिकता दी है, उनको ज्यादा से ज्यादा सुविधाएं पहुंचाने की कोशिश की है। लेकिन आप इस बात को मान लें कि पब्लिक सैक्टर में काम करने वाले मजदूरों को जहां हमने काफी सुविधाएं दी हैं, वहां प्राईवेट फैक्टर में काम करने वाले मजदूरों को बहुत ही कम सुविधाएं मिल रही हैं क्योंकि प्राइवेट सैक्टर का काम केवल मुनाफा कमाना ही है, वे मजदूरों के लाभ की बात नहीं सोचते। उनका एक ही लक्ष्य है मुनाफा कमाना चाहे मजदूर मरे या जिन्दा रहें। इसलिए मेरा मंत्री जी से निवेदन है कि वे कारखाना संशोधन विधेयक को विस्तृत रूप में लाएं और प्राइवेट सैक्टर में काम करने वाले जो लाखों मजदूर हैं उनकी हालत मे सुधार करने के लिए जो भी आप ठोस कदम उठा सकें, वह सराहनीय कदम होगा।

इन शब्दों के साथ मैं इस कारखाना संशोधन विधेयक का समर्थन करता हूं और मुझे विश्वास है कि श्रम मंत्री जी इसके स्थान पर एक व्यापक संशोधन विधेयक लाएंगे जिसमें हिन्दुस्तान के पब्लिक और प्राइवेट सैक्टर दोनों में काम करने वाले मजदूरों के हितों को प्राथमिकता दी जाएगी।

धन्यवाद।

SHRI CHITTA BASU (West Bengal): Mr. Vice-Chairman, Sir, I have got only a few points to draw the attention of the hon. Minister to. Now, the basic, substantive, point in this Bill relates to certain amendments to the existing Factories Act, in relation to safety not to any other aspect of labour legislation. Therefore, we should concentrate on this.

Sir, it has been pointed out by many speakers in the House that safety measures at present are not quite satisfactory. I think, Government also cannot claim that the safety measures are foolproof. We have to take note of the major inadequacies in the implementation of the Act. One of the major inadequacies is the dearth of factory inspectors. My experience is that many factories are not visited regularly or periodically, after a specified interval of time. Factories are under the supervision of factory inspectors. That being the case, naturally whether the

safety measures which are statutorily granted, are being observed or not, cannot be brought to the notice of the implementation authority. My point to the hon. Minister is, what particular steps the Government proposes to take in the matter of increasing the number of factory inspectors and also diminishing the area of their coverage because I feel one particular inspector is required to visit quite a big number of factories and it is not possible for him to enquire into the inadequacies of the safety measures. State Governments are responsible for that. But they have also got certain problems, problems relating more or less to financial position. They cannot allocate more funds for appointment of a large number of factory inspecors and for their proper training. Unless they are properly trained, they cannot discharge their responsibility. Here I would like to draw the attention of the hon. Minister to sections 41E and 41E. It is a new provision in the Act, wherein the Central Government has been given power to appoint enquiry committee. This enquiry committee is to be constituted by the Central Government consisting of a chairman and two other members. Its recommendations would be of advisory nature. I am reminded of the Chasnala Inquiry Committee because that Committee was set up by the Government of India. They inquired into the accident and also fixed up the responsibility, but no action has been taken. That Committee was appointed in the absence of a provision in the Factories Act. So, the only improvement is that there is a statutory provision for appointing an enquiry committee. That committee could have been appointed without this provision also. So, Mr. Vice-Chairman, it has not improved the position. Does it ensure that the enquiry will be fair and proper? Does it ensure that the enquiry report would be considered properly? Does it ensure that the persons or officers or the management found guilty would be properly dealt with? This committee does not ensure those essential elements which are required, according to me.

Moreover, it is of an advisory nature. How can this Committee fix up the responsibility unless it consists of the representatives of the workers? I could have been imagined the situation when the enquiry could be successful, could bring out something, fixing the responsibility of the accident, provided there are representatives of the workers in that enquiry committee itself. Therefore, I would suggest, if the Government really wants to get accidents enquired into, this kind of committee of this statutory provision does not fulfil the objective. Even at this late stage the Government could think over it.

Now I will refer to the provision in section 41E about emergency standards. The Government knows that the Factory Inspector is required to know whether some hazardous process is involved in the factory. And if some hazardous process is involved, naturally, certain special safety measures are to be provided for to meet the requirement of that hazardous process in the manufacture. A complete, foolproof safety measure should be installed. You say here:

> "Where the Central Government is satisfied that no standards of safety have been prescribed in respect of a hazardous process or class of hazardous processes, or where the standards so prescribed are inadequate, it may direct the Director-General of Factory Advice Service and Labour Institutes... to lay down emergency standards for enforcement of suitable standards in respect of such hazardous processes."

These, they call "Emergency Safety Measures."

Sir, how can they categorise one set of measures as safety measures for regular process and another set of measures as emergency standards? Instead of that, there should be a foolproof arrangement to provide for adequate safety measures in all those units, in all those establishments where hazardous processes are involved, and nothing should be left for emergency standards.

Lastly, as a matter of fact, it has been pointed out by the committee set up by the International Labour Organisation that the safety measures in our country are not adequate. They made certain recommendations also. To our great surprise, that report of the ILO committee has not

[Shri Chitta Basu]

yet been published, thereby deepening our suspicion that certain things have been mentioned in the report which the Government is trying to conceal or withhold from the public of our country. If that is so, if the report is there, why has it not so far been published and appropriate steps taken on the basis of the recommendation of that committee?

My other points are there. But this is all.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Mr. Vice-Chairman, Sir, my speech will be for only one minute.

I rise to support the Factories (Amendment) Bill, 1987. Mr. Vice-Chairman, my stand has all along been that any Act, any measure brought forward by the Government for amelioration of the lot of the factory workers is always welcome and should always be welcome. There may be some lacunae in it, which can be rectified later on. But the measure as such should be welcomed by all sections of the House. It is a fact that when this measure has been brought, there may be some lacunae. I myself feel so. For instance, we are going in for this hazardous thing. Even an ordinary, small requirement, Mr. Minister, of having a fire extinguisher in any factory is not being observed by a single factory, almost any factory. This is the first requirement. So, I agree with Mr. Chitta Basu that the Inspectors are needed. But some sort of emergency monitoring has also got to be done. For instance, if the Minister sends SOS messages to all the Labour Commissioners of the States to tell him how many small scale and medium scale factories have got the fire-extinguishing apparatus and to give him a report within four days, then, he will be able to understand.

I have only one point. When I said, "I want only one minute," I wanted to say this. This Factory (Amendment) Bill has been brought by the hon. Minister after the Bhopal tragedy has taught us a lesson which we will have to understand for all time to come. I would only request —that is my point—the hon. Minister to tell the nation that we have not forgotten those people who have died in the Bhopal tragedy. I would also request him to indicate in his reply about the latest situation with regard to the Union Carbide case and also the latest position with regard to the interim measures that have been adopted by the Government to help the victims of that tragedy.

With all this, I support the Bill.

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA): I am grateful to the hon. Members for having supported this, I would call, a very important legislation. It is true that we have in the past not been able to pay much attention to the safety of the industrial workers. Workers were not made conscious of the safety measures, though the workers were made conscious of their rights to more wages or bonus. We have not tried to bring consciousness about the safety aspect even among the workers themselves. I agree with Mr. Matto that we woke up after the Bhopal tragedy which occurred a couple of years ago. Yes, we really started applying our mind after that unfortunate accident. We had lot of consultations, discussions, seminars at the national level, regional level and at the State level and this Bill has come before this House after two years of extensive studies, examinations and consultations. This Bill has taken care of every aspect of safety. It actually starts from the day of its conception. Unless the Site Appraisal Committee okays it, no industry involving a hazardous process can be set up.

I will not explain the whole Bill because all the hon. Members are familiar with that. Here we have fixed the responsibility not only on the manufacturers, but even on the suppliers. Not only that, even the importers are covered in it. If somebody imports a chemical plant/machinery even he has been made responsible. And the responsibility does not confine to the factory premises alone. It goes much beyond the factory premises. It includes not only the use of the chemical in the factory, it also covers the handling of this material within the factory. It also covers the storage. It also covers transport within the factory. Something can happen when it is being transported. So, every aspect has been covered under this

Act. And as I said we have taken two years to finalise this Bill.

There has been a demand that we must go in for a comprehensive legislation on safety. Since the population of labour laws was increasing so much, we thought we should not add to that number. So, instead of going in for a separate law, we thought that we should add one more chapter to the Factories Act instead of bringing in a new legislation. That is why we have come forward with the amendment to the Factories Act.

There are a lot of constraints as Mr. Chitta Basu has pointed out regarding the implementation of these laws. I agree with Mr. Chitta Basu that State Governments have their constraints—financial and otherwise. Therefore, the implementation has been wrong and the implementation of the Factories Act is the exclusive responsibility of the State Governments. We have taken certain powers as Mr. Chitta Basu has pointed out 41 (A) and (D) where under a special situation we come into the picture; otherwise it is the State Governments. So the position is under the norms. The Inspector is, required to inspect 150 factories twice a year. That is the norm which is there. But in no State in our country we have enough Inspectors to cover only 150. The number of factories that an Inspector has inspect in the States is 300—700. I would not name the State where there are 1,000 factories. When the Inspector is supposed to inspect only 150 and if he is assigned to inspect 1,000 or 500 or 600 factories twice a year it is humanly impossible. I, therefore, do not blame the Inspectors. What is required is the inspection machinery has to be strengthened. I have taken up the matter with the State Governments. As they are having financial problems, we have taken up the matter with the Planning Commission so that the Planning Commission can given them more allocation towards improving the enforcement machinery in the States. I am happy to say that the Planning Commission has responded to this. This is one point.

There is another point on this. It is not only that inspections are less. I really do not know whether our Inspectors are really upto the mark or whether they are properly trained.

AN HON. MEMBER: You are absolutely correct.

SHRI P. A. SANGMA: So we have to look at the training part of it also. They must be given training. We have one Central Labour Institute in Bombay. We have three Regional Labour Institutes which give training to the Inspectors. Even these institutions have their own difficulties. We need to strengthen these institutions also so that we can give them better training. We have taken up this now. If the training facilities are not adequate within the country, I think, we have to take recourse to even sending them abroad and that process we have already started. Sir, I am happy that in the year 1985 we have been able to send 27 Inspectors for getting a specialised training in Australia. So we have started the process. We have taken two measures. One is strengthening our own training institutes—CLI and RLI. Second is we have also sent them abroad for further training.

Besides that without waiting for this Bill to be passed, we have taken a number of steps after the Bhopal gas tragedy. For example, we have formulated a national programme which we call Safety and Health Accidents Reduction Action Plan (SAHARAP) for the control of hazards and protection of occupational health and safety and this has been circulated to all the State Governments. We have also formulated guidelines from our side for the State Governments for on site and off site emergency plans. We have requested all the State Governments to constitute a task force at the State level and at the district level so that they can look after this aspect of it. I am happy to say that there has been positive response from the State Governments and almost all the State Governments have formed that task force. I believe they are functioning. So we have taken measures.

Some hon. Members have referred to the industrial hygiene. We have taken certain steps to that effect also. At the moment, we have a project launched which is partly funded by UNDP to the tune of half-a-million US dollars. They have

[Shri P. A. Sangma]

given us this amount. And from our side, we have given one million Rupees. That project is on. We also have a centrally sponsored scheme for strengthening the industrial hygiene laboratory which is already in operation and this we are doing from Government of India's side and we are giving 100 per cent funds for that. One important thing that we have started is the Major Accidents Hazard Control System with the assistance of ILO. It is at a cost of 1.6 million dollars. We are going to launch under this project 38 fellowships ranging from 3 weeks to three months duration in UK, Netherlands, Sweden and Switzerland for factory inspectors. So, these are the few measures which we have already taken. Some hon. Members have pointed out about accidents. I forgot to mention it. In fact, I should have mentioned it earlier. Well, the figures are not very encouraging and I must say sometimes, it goes up and sometimes it comes down and sometimes, it is static. For the last two years, if you look at it, I think, Mr. Gurudas Das Gupta and Mr. Dipen Ghosh quoted these figures. The fatal accidents in 1984 were 824 and in 1985 the number was 807. There is a marginal decline. I am not happy about that. Now the total injuries were 302726 in 1984. It came down to 2,79126 in 1985. Again marginally, it has come down but it is not enough. We must do something more and as I said, we have done something more.

As regards workers' participation which hon. members have stressed very much, we have ensured in this Bill that workers are fully involved in safety measures. (*Interruptions*). You are referring to section 41(g) and 41(h). (*Interruption*).

SHRI GURUDAS DAS GUPTA: Sir, may I know from the Minister why he does not take recourse to election to get the representatives of the workers on the Safety Board? Why he leaves to it to the sweet will of the management to pick up as they wish just to certify that the management had been doing all that is possible?

SHRI P. A. SANGMA: Sir, the method as to how the workers' representatives will be chosen has not been spelt out in this Bill at all. It will be coming when we frame the rules and I can assure the House that I will certainly keep in mind the various suggestions made by them.

SHRI GURUDAS DAS GUPTA: In that case, let the Minister assure that he will see that the rules are so framed that the workers are elected instead of being selected. We want an assurance from the Minister.

SHRI P. A. SANGMA: Sir the whole concept of workers participation in management and the whole concept of recognition of the trade union, a lot of debate is still going on whether it should be a check—off system or whether it should be election by secret ballot but we have not been able to come to a conclusion. I think, Mr. Mehta has dealt with it. You are dragging me to that point. I can only say that as far as this Bill is concerned, as to how the workers will be represented in that Committee has not been spelt out here in this Bill. But I will certainly keep in mind the various suggestions that have come while framing the rules. (*Interruptions*).

SHRI NIRMAL CHATTERJEE (West Bengal): Sir, whether or not you have workers' representatives in the management can be debated later on but the point as spelt out from this side is that safety laws are precisely violated by the management. If the management is requested to nominate, then obviously, they will choose a person that will be to their likings. (*Interruption*).

SHRI P. A. SANGMA: No, this is what I am telling you. (*Interruption*).

SHRI NIRMAL CHATTERJEE: What we therefore request is that this should be a part of Law instead of leaving it open for the rules. But at this stage, you are not prepared to accept that amendment. We will be satisfied if you just indicate that you are inclined to provide it in that manner in the rules. We will be satisfied.

SHRI PUTTAPAGA RADHAKRISHNA: Sir, the Central Government is not going to frame the rules. The State Government is going to frame the rules. It is not in their hands.

SHRI P. A. SANGMA: Honourable Members are looking at 41G and 41H. When the committees are to be constituted worker's right is not confined to these sections only. We have added one more Section in this amendment and that is Section 111A whereby workers have been given the right to various things. If honourable Members have gone through the Bill, they will find Section 111A has been added where we have given amplepower to the workers to take action against any shortcomings which they have noticed. Everything is there. It is not confined just to membership of the committee. Every worker has been given the powers. So, there is no question of workers not being involved. Workers have been given adequate powers not only to be represented but also other things. So, these are the few points on which I wanted to react. Once again I think all honourable Members...

SHRI GURUDAS DAS GUPTA: The Minister is conspicuously silent on what I had asked...

THE VICE-CHAIRMAN (DR. BAPU KALDATE): You had already spoken and the Minister has given his replies. He is not going to say anything more...

SHRI V. NARAYANASAMY: Sir, I asked a very important point. On the Site Appraisal Committee three persons are to be appointed by the State Government, "persons whom the State Government deem fit...". Here I wanted at least two representatives from the workers of that particular region, persons, that is, workers' representatives, who are interested in the welfare of the workers. I have not received any reply from the Minister.

SHRI P. A. SANGMA: I have noted it.

THE VICE-CHAIRMAN (DR. BAPU KALDATE): Now I shall put the motion for consideration to vote. The question is:

"That the Bill further to amend the Factories Act, 1948, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (DR. BAPU KALDATE): We shall now take up the clause-by-clause consideration of the Bill.

Clause 2: *Amendment of Section* 2

SHRI MOSTAFA BIN QUASEM (West Bengal): Sir, I move:

1. "That at page 1, line 12 *after* the word 'means' the words "a workers' safety counsellor or be inserted."

2. "That at page 2 after line 17 the following be inserted, namely:—

'(ia) after clause (1) the following clause shall be *added, namely*:—

(1a) "workers' safety counsellors" in relation to any provision of this Act means persons elected through secret ballot by the workers at the following ratio:—

(i) one per hundred workers in the factories employing 1000 workers or less;

(ii) one per 250 workers in factories employing between 1001 to 5000 workers;

(iii) one per 500 workers in factories employing 5001 workers and above.

Subject to the condition that there should be at least one Safety Counsellor in each section or shop.' "

The questions were put and the motions were negatived.

THE VICE-CHAIRMAN (DR. BAPU KALDATE): The question is:

"That Clause 2 stands part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.
Clause 3 was added to the Bill.

Clause 4: *Insertion of new Sections 7A and 7B*

SHRI MOSTAFA BIN QUASEM: Sir, I move:

3. "That at page 3 after line 38 the following be inserted, namely:—

'(f) arrangements for holding elections of workers safety counsellors through secret ballot within three months after the commencement of this Act in the existing factories or after the new factories come into stream or production whichhever is earlierafter giving due notice thereof to the Chief Inspector, of the Factories and the Registered Trade Union and after the first election held through secret ballot, once in two years.' "

The question was put and the motion was negatived.

THE VICE-CHAIRMAN (DR. BAPU KALDATE): The question is:

"That Clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5: *Amendment of Section 9.*

SHRI MOSTAFA BIN QUASEM: Sir, I move:

4. "That at page 5, after line 42 the following be inserted, namely:—

'(iii) after the proviso the following proviso shall be inserted, namely:—

'Provided further that the Inspector concerned shall associate the workers' safety counsellors of the section|shop|factory at the time of inspection and incorporate their views in the report a copy of which shall be furnished to them on the spot.' "

The question was put and the motion was negatived.

THE VICE-CHAIRMAN (DR. BAPU KALDATE): The question is:

That Clause 5 stand part of the Bill.

The motion was adopted.

Clause 5 was added to the Bill.

Clauses 6 to 19 were added to the Bill.

Clause 20: *Insertion of new Chapter IVA.*

SHRI MOSTAFA BIN QUASEM: Sir, I move:

5. "That at page 9, line 21, for the word "five" the word "eight" be substituted."

6. "That at page 9, after line 24, the following be inserted, namely:—

'(ia) Three representatives of the workers from the three Central Trade Unions on the basis of their verified membership among the factories.' "

7. "That at page 9, line 45 after the words 'hazardous process' the words after it has been cleared by the Site Appraisal Committee' be inserted."

8. "That at page 12 line 19 after the words 'that behalf' the words 'subject to the condition that the number of workers shall be equal to the number of workers' Safety Counsellors elected through secret ballot as provided in this Act herein before' be inserted."

9. "That at page 12, lines 42-43 after the words 'nearest Inspector whose' the following be inserted, namely:—

"who shall visit the factory within 48 hours, associate the workers or Workers' Safety Counsellors for enquiry and then give his dicision as to whether there is the existence of any imminent danger and his' "

The questions were put and the motions were negatived.

THE VICE-CHAIRMAN (DR. BAPU KALDATE): The question is:

"That Clause 20 stand part of the Bill."

The motion was adopted.

Clause 20 was added to the Bill.

6.00 P.M.

THE VICE-CHAIRMAN (DR. BAPU KALDATE): The question is:

"That clauses 21 to 29 stand part of the Bill."

The motion was adopted.

Clauses 21 to 29 were added to the Bill.

Clause 30—Amendment of section 92

SHRI MOSTAFA BIN QUASEM: Sir, I beg to move:

10. "That at page 14,—

(i) line 39, for the words 'one lakh' the words 'five lakh' be substituted; and

(ii) line 41, for the words 'one thousand' the words 'two thousand' be substituted."

SHRI MOSTAFA BIN QUASEM: Sir, I beg to move:

11. "That at page 15, lines 1-2, for the words 'five thousand rupees' the words 'ten thousand rupees' be substiuted."

The questions were put and the motions were negatived.

THE VICE-CHAIRMAN (DR. BAPU KALDATE): The question is:

"That clause 30 stand part of the Bill."

The motion was adopted.

Clause 30 was added to the Bill.

Clause 31—Amendment of section 94

SHRI MOSTAFA BIN QUASEM: Sir, I beg to move:

12. "That at page 15,—

(i) lines 10-11, for the words 'thirty-five thousand rupees' the words 'one lakh rupees' be substituted; and

(ii) line 12, for the word 'ten' the word 'fifty' be substituted."

The question was put and the motion was negatived.

THE VICE-CHAIRMAN (DR. BAPU KALDATE): The question is:

"That clause 31 stand part of the Bill."

The motion was adopted.

Clause 31 was added to the Bill.

Clauses 32 to 46 were added to the Bill.

Clause 1 the Enacting Formula and the Title were added to the Bill.

SHRI P. A. SANGMA: Sir, I beg to move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (DR. BAPU KALDATE): The House now stands adjourned till 11-00 A.M. tomorrow.

The House then adjourned at two minutes past six of the Clock till eleven of the Clock on Friday, the 8th May, 1987.

MGIPMRND—L-468 RS—13-10-87—400.